

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Tia Walker, as Mother and
Natural Guardian of Mahogany Green,

Plaintiff,

v.

Throgs Neck Multi Care, P.C.,
George Bertero, M.D.,
Louis Rose, M.D.,
Our Lady of Mercy Medical Center,
Soundview Health Center,
Dawn Dawson, M.D.,
and Bhagwant Gill, M.D.,

Defendants.

ECF Case

Case No. 07 Civ. 3548 (LAK)

DECLARATION OF
RICHARD G. BERGERON

1. I am a Senior Attorney in the General Law Division, Office of the General Counsel, Department of Health and Human Services (the "Department"). I am familiar with the official records of administrative tort claims maintained by the Department as well as with the system by which those records are maintained.

2. The Department's Claims Branch maintains a computerized database record of administrative tort claims filed with the Department, including those filed with respect to federally supported health centers that have been deemed to be eligible for Federal Tort Claims Act malpractice coverage.

3. As a consequence, if a tort claim had been filed with the Department with respect to Comprehensive Community Development Corporation d/b/a Soundview Health Center a record of that filing would be maintained in the Claims Branch's database.

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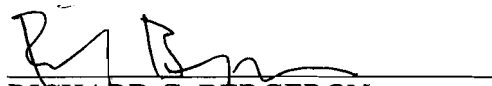
4. I caused a search of the Claims Branch's database to be conducted and found no record of an administrative tort claim filed by Tia Walker, Mahogany Green or an authorized representative relating to Comprehensive Community Development Corporation d/b/a Soundview Health Center, or Dawn Dawson, M.D.

5. I have also reviewed official agency records and determined that Comprehensive Community Development Corporation d/b/a Soundview Health Center was first deemed eligible for Federal Tort Claims Act malpractice coverage effective February 1, 1997, and that its deemed status has continued without interruption since that date. Copies of the notifications by an Assistant Surgeon General, Department of Health and Human Services, to Comprehensive Community Development Corporation d/b/a Soundview Health Center are attached to this declaration as Exhibit 1.

6. Official agency records also indicate that Dawn Dawson, M.D., was an employee of Comprehensive Community Development Corporation d/b/a Soundview Health Center, at all times relevant to the complaint in this case.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Dated at Washington, D.C., this 8th day of May, 2007.



RICHARD G. BERGERON
Senior Attorney, Claims and Employment Law Branch
General Law Division
Office of the General Counsel
Department of Health and Human Services